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Law of the Sea Country Study—Chile Jan 75

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Law of the Sea Country Study

Chile

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January 1975

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, and a brief biography of the key personalities involved. Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Geographic and Cartographic Research. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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UN LOS draft articles submitted by Chile

Maps: Regional map

Theoretical Division of the World Seabed

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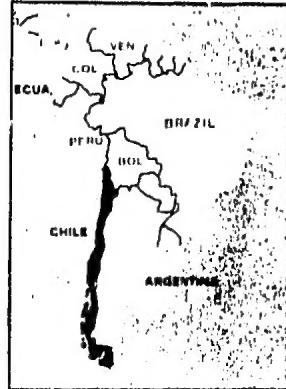
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CHILE

Part I - Law of the Sea Analysis

A. SUMMARY

Chile's primary Law of the Sea (LOS) concern is the juridical regime to be established for the mining and marketing of deep seabed minerals and the possible adverse effects on world copper prices. Substantially interested in fisheries and heavily dependent on seaborne trade, Chile seeks retention of its 1947 claim to jurisdiction over the sea out to 200 miles* but without prejudice to freedom of navigation.



Chile, considered a moderate among the "200-milers," endorses the patrimonial sea concept, which allows for a 12-mile territorial sea and for an adjacent economic zone to extend as much as 200 miles off the baselines used to measure the territorial sea. Chile views this formula as a means to secure clearly defined coastal state powers over resources, scientific research, and pollution control enforcement, while maintaining freedom of navigation and overflight beyond the territorial sea.

Chile supports the concept of "the common heritage of mankind," and favors giving an international regime jurisdiction over seabed resources and activities within the area beyond the limits of national jurisdiction. The international regime should have the power to explore and exploit, control production and market resources, control research and pollution, distribute profits, and promote the development of the area by planning and ensuring the transfer of science and technology. The machinery for the international regime would be an International Seabed Authority comprised of an Assembly, Council, Enterprise, and Secretariat. All members of the international community would be represented in the Assembly and each would have one vote.

B. FACTORS INFLUENCING LOS POLICYSpecial Geographic Features

A remarkably long and narrow shape broadly exposes Chile to maritime influence; its coastline of 4,000 statute miles comprises more than one-half of the Pacific coastline of South America, and most of the country is within 120 statute miles of the sea.

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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Along the Chilean coast, upwelling brings with it minerals and nutrients, making possible the development of a rich zone of plankton that, in turn, supports large schools of commercially exploitable fish. In the south the coastline is indented by numerous fiords and bays and is closely fronted by a myriad of islands (under Chilean civil code, these islands may be enclosed by a series of straight baselines). Chile also owns several small islands far out in the Pacific, and claims a pie-shaped sector of the Antarctic Continent.

From a continental shelf that averages only 2 miles in breadth, the ocean floor off Chile plunges precipitously to depths of 3,700 to 7,500 meters within 100 to 200 miles of the coastline. The area from the coastline out to 200 miles encompasses 667,300 sq. miles, about three times the nation's land area and more than 80 times the area of its continental shelf.

The Pacific Ocean is of primary importance to Chile as a link to world markets. It provides the only practical means of exporting the nation's lucrative mineral products. The opening of the Panama Canal eliminated some of the advantages that Chilean ports held when interocean traffic was forced to go around South America, via the Strait of Magellan, Beagle Channel,* or Drake Passage. Of greater significance, however, is that the canal has given Chile a much easier access to the east coast of the United States, one of Chile's major trading partners.

A massive chain of mountains extends the entire length of the country. Bolivia, Chile's landlocked neighbor, depends on the few passes through the northern part of the chain for access to the Pacific Ocean.

Uses of the Sea

Mineral Resources -- Chile is dependent upon export earnings from mineral products. Typically, these products account for about 85% of the nation's export receipts, with copper alone accounting for about 80%. In addition to being the third largest producer and leading exporter of copper in the world, Chile is the only major producer of natural nitrates, the world's fourth largest producer of molybdenum, and Latin America's fourth largest iron ore producer. It also produces small amounts of manganese, lead, zinc, sulfur, borates, gypsum, gold, and silver.

* Sovereignty of the Beagle Channel, the waterway south of the Strait of Magellan that links the Atlantic to the Pacific, is in dispute. Chile claims the whole channel up to the Argentine bank, while Argentina claims sovereignty to midchannel. Sovereignty of three small islands at the eastern end of the channel is also in dispute.

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The country's only oilfields are located in a narrow strip on either side of the Strait of Magellan and produce only about 25% of its oil requirements. However, the Chilean National Petroleum Enterprise plans to exploit offshore oil deposits in the Strait of Magellan and to build a liquefied natural gas plant in Magallanes Province.

Living Resources -- Chile ranks second in Latin America (after Peru) in tonnage of fish caught. The commercial catch totaled 1.5 million metric tons in 1971, but dropped to .82 million metric tons in 1972. The great bulk of the catch is anchovies, used commercially for fishmeal and fish oil. Anchovies, sardines, bonito and tuna abound in the north where large fleets of big, steel-hulled boats operate. In the southern and central zones the principal species are hake, corvina, eel, flounder, swordfish, snook, smelt, and rock cod. Shrimp and shellfish are found along the entire coastline with large concentrations in the central area. Lobsters are found off the Juan Fernandez Islands. Chile's fishing industry is an important earner of foreign exchange. Although the earnings from fishery exports represent only some 3% of Chile's total export earnings, the fishing industry is the second most important source of foreign exchange receipts and in certain regions plays a dominant role in the economy. Fish in the Chilean diet is important locally and has increased nationally since the establishment of distribution points equipped with cold storage facilities and the imposition of government restrictions on the sale of beef.

Marine and Air Transportation -- Coastal shipping dominates the Chilean domestic transportation scene; 45% of the domestic trade tonnage is moved by ship, and cabotage is reserved by law to Chilean vessels. Although Chile also depends heavily on sea-borne transportation for its international trade -- over 95% of the tonnage is moved by ship -- Chilean ships carry less than 20% of the exports and less than 50% of the imports. Chile's ports are not large by world standards; however, they are significant in coastal and foreign trade.

Chile's peculiar geography has contributed to the dynamic growth of the civil-aviation sector of the country's transportation system. It provides the only means of commercial transport to Easter Island in the Pacific and in the archipelagic southern region, in addition to providing a rapid means of transport to many communities along Chile's long coastline. Chile has air transport agreements and arrangements with 31 foreign countries.

The Navy and Air Force -- The Chilean Navy's mission is to protect the country's extensive coastline, help maintain internal

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security, and to protect shipping. The navy is also committed to the joint defense of the coastlines of the Western Hemisphere. It is capable of offering resistance against the naval forces of Argentina and Peru, but would be ineffective against a modern navy of comparable size or a modern submarine force. In addition to oceanographic research and coastal patrol services, the navy engages in public works construction.

The air force has no strategic air capability. It can provide fairly effective tactical air support to the army and national police in the maintenance of national security against internal disturbances and in the performance of search and rescue operations.

Political and Other Factors

Traditionally friendly relations between Chile and the United States began to deteriorate in the late 1960s when Chile sought enhanced prestige and economic benefits through the adoption of a foreign policy that featured "independence" from U.S. influence. The Marxist Allende administration (1970-73) accelerated anti-U.S. sentiment and placed further emphasis on nationalism. Expropriation of U.S.-owned companies followed by U.S. economic sanctions further exacerbated the situation. Since the present military government has been in power (September 1973) Chile has alleviated the situation a great deal (e.g., compensation has been arranged for the expropriation of the three major U.S. copper companies).

The draconian measures taken during the early days of military rule tended to alienate many otherwise sympathetic countries. Since the 1973 coup, Chile's national security concerns also have increased. The military leaders feel Chile is a target for retaliation from the leftist world -- especially from the U.S.S.R., Cuba, and Chilean exiles in neighboring countries. In November 1974, Chile voted against a proposal in the OAS to lift sanctions against Cuba. Chile also believes Peru harbors revanchist desires caused by the loss of territory in the War of the Pacific (1879-83), and is concerned over Peru's large purchases of offensive arms.

Chile strongly objected to regional acceptance of the proposal to allow representatives of the national liberation movements to attend the 1974 Caracas session of the LOS Conference as observers. In apparent attempts to gain rapport with other Latin American countries at Caracas, Chile pushed for coastal state control beyond 200 miles to the edge of the continental margin (favored by Argentina) and expressed concern for the landlocked countries (courting Bolivia's favor). Chile's conciliatory attitude toward the United States was expressed by its chief LOS expert Fernando

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Zegers during consultations prior to the Caracas session when he indicated Chile could be more flexible on anadromous species jurisdiction beyond 200 miles since "it was important to the United States."

C. LAW OF THE SEA POLICY

Territorial Sea

Chile endorses the patrimonial sea concept, which allows for a 12-mile territorial sea and for an adjacent economic zone to extend as much as 200 miles off the baselines used to measure the territorial sea. Although the Chile Presidential Declaration of June 1947 was labeled by many a "territorial sea" claim, it pertained only to shelf sovereignty over resources and guaranteed freedom of navigation. Chile extended its territorial sea to 50 miles in 1948, but revoked the extension in 1951, thereby reverting to a 3-mile territorial sea as established by article 593 of its Civil Code. Upon signing the Declaration of Santiago in 1952, along with Ecuador and Peru, Chile asserted rights to a 200-mile "maritime zone" for the purpose of conserving and protecting the natural resources. The claims by Ecuador and Peru, however, were gradually reinterpreted to infer territorial sea jurisdiction and, due to Chile's close association with those two countries, resulted in a misconception about the Chilean claim.

Chilean officials have made it clear that support for a 12-mile territorial sea is contingent upon its integration with a 200-mile economic zone. At the LOS preparatory meetings in 1973 Foreign Ministry Legal Adviser Mario Valenzuela emphasized that support for a 12-mile territorial sea would be acceptable to Chile only "if accompanied by a satisfactory arrangement on resource jurisdiction to 200 miles." Legal Adviser to the Permanent Mission to the UN, Raul Bazan Davila, supported draft articles (A/AC.138/SC.II/L.21) submitted to Subcommittee II in 1973 by Colombia, Mexico, and Venezuela that presented a 12-mile territorial sea integrated with an adjacent maritime zone not to exceed 200 miles measured from the coast. During the general debate at the 1974 Caracas session Chilean representative Fernando Zegers stressed that the adoption of a 12-mile territorial sea must be done together with an economic zone. The 9-power Draft Articles contained in a working paper cosponsored by Chile on 26 July 1974 (see Annex) at the Caracas session proclaims, "the breadth of the territorial sea shall not exceed 12 miles" and specifies rights of the coastal state in "an area beyond and adjacent to its territorial sea, known as the exclusive economic zone."

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Chilean officials appear unprepared to take an alternative territorial sea stance in anticipation of the eventual success of the patrimonial sea "package deal" (Zegers stated after the Caracas session that the Chilean position has the support of the majority of the "150 countries attending," but does not yet have the two-thirds majority vote necessary for adoption).

Straits

Chile believes there should be right of free passage in straits connecting two parts of the high seas and commonly used for international navigation. The Strait of Magellan is the only such strait in Chilean waters. A problem exists, however, with the numerous channels that lead from it, and Chile wants to make sure these are not included as international straits. The Beagle Channel, south of the Strait of Magellan, is the site of a longstanding boundary dispute with Argentina, but it is of relatively little importance to international navigation. In May 1974 consultations with Chile U.S. officials reported "an explicitly more favorable Chilean attitude on straits, conditional on an adequate definition of which straits would have free passage." At the 1974 Caracas session Patricio Prieto, the Chilean Navy representative and delegate to the LOS Conference, said that straits used for international navigation between two parts of the high seas fall into the free passage category. It is possible that Prieto was indicating Chile's position on a straits regime for those straits that connect the high seas with a semienclosed sea when he advocated freedom of navigation in straits "traditionally used for international traffic by ships of all countries." The definition of what straits fall into the category of international straits is more important to Chile than the character of the regime applicable therein.

Continental Shelf

Chile advocates a distance criterion of 200 miles for coastal state shelf jurisdiction, mainly because its continental shelf is extremely narrow. To gain the support of nations with continental shelves wider than 200 miles, however, Chile also advocates coastal state shelf resource jurisdiction to the outer edge of the geographic shelf where the edge lies beyond 200 miles. It cosponsored draft articles to this effect on 26 July 1974 at the Caracas session (see Annex). Chile is not a party to the Geneva Convention on the Continental Shelf and opposes restricting the limits of national jurisdiction in the way stipulated by the Geneva Convention. The open-ended exploitability principle does not make the Geneva Convention acceptable to Chile because the exploitation of seabed resources off its coast would involve operating, even relatively

close offshore, at depths substantially in excess of 200 meters. Santiago's rejection of President Nixon's oceans proposal of 1970 to limit national jurisdiction over the continental shelf to a depth of 200 meters was accompanied by sharp criticism of the proposal's exclusion of a distance criterion as an alternative to a depth criterion; Chilean officials subsequently have alluded to the virtues of the "patrimonial sea."

Coastal State Jurisdiction Beyond the Territorial Sea

By the Presidential Declaration of June 1947, Chile extended its maritime jurisdiction to 200 miles -- the first country to make a 200-mile sea claim. The Presidential Declaration proclaimed national sovereignty over the shelves -- "whatever may be their depth" -- adjacent to the mainland and overseas islands, including natural resources existing in and under them, known or to be discovered. Concomitantly, it proclaimed sovereignty over the seas adjacent to its coasts to whatever extent the Chilean Government deemed necessary to protect, preserve, and exploit the natural resources on, in, or under these seas; it stipulated that the seaward boundary for protection of deep sea fishing and whaling would be made "at any moment which the government may consider convenient;" and it declared an immediate boundary of 200 miles from the coasts of all Chilean territory. The Declaration guaranteed freedom of navigation in the 200-mile zone seaward of the territorial sea.

Chile's position on the limits of national jurisdiction over the seabed was reaffirmed in the Declaration of Santiago in 1952. Along with Ecuador and Peru, it asserted rights to a 200-mile "maritime zone" for the purpose of conserving and protecting the natural resources of the zone and regulating the use of the resources. The three countries also agreed to consult on and to cooperate in the joint defense of their sea claims.

In the Declarations of Montevideo (May 1970) and Lima (August 1970) Chile and many other Latin American countries reiterated their philosophy that "there is a geographic, economic, and social relationship between the sea, the land, and man who lives on the land, which gives coastal populations a lawful priority with respect to the utilization of the natural resources in the sea adjacent to their coasts."

The term "patrimonial sea" was proposed by the Chilean jurist Edmundo Vargas Carreno in a 1971 report to the Inter-American Juridical Committee of the Organization of American States in an effort to find a unified Latin American position on the law of the sea. He explained that the "patrimonial sea includes both the

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territorial sea as well as a zone beyond it, the extension of which is determined unilaterally -- but not arbitrarily -- by the coastal state. The jurisdiction of the coastal state to regulate the exploration, conservation, and exploitation of the marine resources contained within the patrimonial sea is extended over the adjacent waters, the seabed and subsoil thereof."*

In 1972 the Chilean representative to the Seabed Committee, Fernando Zegers, said that the 200-mile figure "had become an issue in itself" and that "Mexico, Colombia, and Venezuela might be able to provide a bridge between the United States and the extreme Latin position on the basis of a patrimonial sea compromise." In 1973 he said the equation could be expressed in terms of a territorial sea/economic zone, a patrimonial sea, or in terms of a national sea with differentiated zones and regimes; what mattered was the recognized rights of the coastal states, their recognized authority up to a distance of 200 miles, and the rights of other states to certain uses of the sea, especially freedom of navigation and overflight beyond a narrow strip over which coastal states had full sovereignty.

In April 1973 Subcommittee II sessions the Chilean representative gave support to draft articles submitted by Colombia, Mexico, and Venezuela (A/AC.138/SC.II/L.21). He noted similarity in these articles to the Declaration of Santo Domingo, the Chilean official declaration of 23 June 1947, and the Kenya draft articles (A/AC.138/SC.II/L.10, 7 August 1972).

As a Vice President of the 1974 Caracas session of the LOS Conference, Mr. Zegers said that the patrimonial sea represented a balance between recognizing the sovereign rights of a coastal state over a zone as much as 200 miles wide for the exploitation of resources and protecting the needs of the international community. The formula would give a coastal state clearly defined powers with respect to resources and the control of scientific research, pollution, and the emplacement of artificial islands and other installations. All states would enjoy freedom of navigation and overflight beyond the 12-mile limit of the territorial sea.

The working paper cosponsored by Chile on 26 July 1974 at the Caracas session (see Annex) calls for a 12-mile territorial sea, with emphasis placed on coastal state sovereign rights over resources

* The most widely recognized interpretation of the patrimonial sea is set forth in the Declaration of Santo Domingo.

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in a 200-mile "exclusive economic zone" and "throughout the natural prolongation of its land territory where such natural prolongation extends beyond 200 miles." Freedom of navigation and overflight would be enjoyed "subject to the exercise by the coastal state of its rights" in the zone beyond the territorial sea limit.

In Committee II of the Caracas session Chile cosponsored on 16 August 1974 (see Annex) a draft article upholding the right of hot pursuit in dealing with violations in the economic zone of coastal state laws and regulations.

Fisheries

A principal argument Chile advances in support of its position on a 200-mile limit is that small developing countries must defend their natural resources, both renewable and nonrenewable, against exploitation by the economically and technically developed countries. Chile's extension of its jurisdiction did not create problems with the United States compared to those of Peru and Ecuador because: 1) tuna are not as plentiful in Chilean waters; and 2) Chile's remote location makes fishing off its coast less profitable for foreign fleets. In defense of its Santiago Declaration partners, however, Chile has been very critical of the U.S. congressional measures that require the reduction or cancellation of U.S. aid to countries that seize U.S.-flag fishing vessels. In June 1974 Chile issued Decree 500, which requires foreign fishing vessels to be licensed and limits their operations within Chile's 200-mile zone to the remote southern half of the country, south of the 37°S. latitude.

Deep Seabed

Chile's overriding concern for the deep seabed lies in its fears that production of minerals derived therefrom may adversely affect the economies of countries that depend primarily on the production of land-based minerals. (Chile, is heavily dependent on its copper exports for foreign exchange.) Chile supports the concept of "the common heritage of mankind" as set forth in the 1971 UN Declaration of Principles and favors giving an international regime jurisdiction over seabed resources and activities within the area beyond the limits of national jurisdiction. Chile believes the international regime should have the power to explore and exploit, control production and market resources, control research and pollution, distribute profits, and promote the development of the area by planning and ensuring the transfer of science and technology.

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The Latin American working paper cosponsored by Chile and submitted to the Seabed Committee in August 1971 (see Annex) proposes the establishment of an international authority, with broad powers to control the exploration and exploitation of the deep seabed mineral resources and to equitably distribute the benefits derived from deep seabed mining among all states. Deep seabed mining activities should be carried out in such a manner as to protect and conserve the natural resources of the area, the international area should be used for exclusively peaceful purposes, and rights and interests of coastal states should be respected. The machinery for the regime would be a universal "International Seabed Authority" comprised of an Assembly, Council, Enterprise, and Secretariat. In the Assembly, the supreme organ of the Authority, all members of the international community would be represented and would have one vote. The Council would have fewer members elected by the Assembly in accordance with the principle of equitable geographical representation and would carry out Assembly decisions. The Enterprise would undertake all activities relating to the exploration and exploitation of resources in the international area of the deep seabed. The Secretariat would be the administrative arm of the Authority. Chile advocates banning all commercial exploitation of deep seabed minerals until the international regime is established, and in 1972 it submitted a draft decision, along with 12 other Seabed Committee members, to this effect (see Annex).

At the 1974 Caracas session of the LOS Conference the Chilean delegate continued to promote the Latin American working paper of 4 August 1971 (see Annex), commenting that "such a system would enable the states concerned to participate in the various activities and would at the same time ensure effective control over the whole economic process." Reiterating concern for adverse economic effects that deep seabed mining could have on countries whose economies depend upon revenues from land-based minerals, Chile requested further studies and on 26 August 1974 presented a working paper on the economic implications for the developing countries of the exploitation of the seabed beyond the limits of national jurisdiction (see Annex).

Landlocked States

Chile believes that all developing countries, including the landlocked, would benefit from the deep seabed regime if suitable legal formulation were given to the patrimonial sea and common heritage concepts. The August 1971 working paper (see Annex) cosponsored by Chile in the UN Seabed Committee advocates special consideration for developing countries, including landlocked states,

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in the distribution of benefits from the exploitation of seabed mineral resources of the international area.

At the 1974 Caracas session of the LOS Conference, the Chilean spokesman said that rules adopted for solving the problems of the landlocked states should include free access to and from the sea and recognition of a preferential fishing regime for landlocked countries in the patrimonial seas of neighboring countries. He stated that Chile had already contributed something to the principle of free access through a system of bilateral agreements under which it had granted Bolivia transit facilities and access to the sea from all Chilean ports.

Marine Pollution

Chile is willing to accept international pollution control standards provided the coastal state is permitted to control enforcement in the area of national jurisdiction adjacent to its territorial sea. A Chilean spokesman at the 1974 Caracas session, Navy Captain Sergio Barra, explained that coastal state enforcement of pollution controls was an integral part of the concept of the economic zone and was one of the principles set forth in the 1947 national legislation, the Santiago Declaration of 1952, and the August 1970 Latin American Declaration on the Law of the Sea. According to Chile, any pollution standards adopted internationally should give consideration to the capabilities of the developing countries and should be lowered for those countries so as not to hinder their development.

Chile emphasized at Caracas that beyond the 200-mile outer limit of the patrimonial sea, international agreements should ensure strong pollution controls exercised by "a duly representative body." Citing a recent oil spill in the Strait of Magellan, Chilean delegates to Committee III of the Caracas session expressed the need to encourage international cooperation in prevention of and compensation for oil pollution mishaps. They suggested ratification of relevant Inter-Governmental Maritime Consultative Organization (IMCO) Conventions and a need to establish international machinery to come to the assistance of states that suffer damage from such accidents. Chile's delegate added that "given the increased risks of pollution from oil spills from tankers, it was reasonable to expect the giant oil companies to finance regional stations under the supervision of IMCO whose purpose would be to reduce the risk that such spills might catch fire and to combat their contaminating effects on the marine environment."

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Chile cosponsored along with 12 other Pacific nations a draft resolution in Seabed Subcommittee III in July 1972 (see Annex) calling for the discontinuance of all nuclear weapons testing, particularly that which may contribute to contamination of the marine environment. Chile has cited recordings of significant nuclear radiation fallout in protest against French nuclear experiments in the Pacific. As a member of IMCO since February 1972, Chile believes that after the legal and political principles regarding marine pollution control are complete, IMCO should draft the detailed regulations and work out the practical applications.

Scientific Research

Chile is a strong supporter of the consent regime for scientific research, both in the areas of national jurisdiction and the international area. It views research in the international area as a tenet of the common heritage of mankind and believes its result should be widely disseminated. The August 1971 Latin American working paper cosponsored by Chile in the UN Seabed Committee (see Annex) proposes that an international Authority "establish oceanographic institutions on a regional basis for the training of nationals of developing countries in all aspects of marine science and technology." Chile's representative to Subcommittee III in 1973 said that freedom of scientific research in areas beyond the limits of national jurisdiction should be subject to certain requirements, e.g., advance notification, prompt dissemination of results, and training of experts from the developing countries.

Coastal state control over scientific research in areas of national jurisdiction is of major importance to Chile. Citing concern over the difficulty of distinguishing between scientific research, economic exploration, and military intelligence, Chilean officials point out that it is essential that the LOS treaty obligate the researcher to receive coastal state consent prior to conducting research, while permitting the coastal state to participate in and receive the results of any scientific research carried out within its maritime zone.

Settlement of Disputes

Chilean officials claim that compulsory dispute settlement is incompatible with the idea of an exclusive economic zone. Conciliation procedures such as those provided in the Vienna Convention on Law of Treaties would be more acceptable to Chile.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Since September 1973 Chile has been governed by a military junta consisting of four members -- one from each of the military services -- and headed by Gen. Augusto Pinochet Ugarte, Junta President. Heads of important government posts are appointed by the junta and they, in turn, report directly to the junta. In the 11 September 1974 State of the Nation address President Pinochet cited, along with other achievements of his administration, Chile's active role in the Caracas session of the LOS Conference "regarding acceptance of the concept of economic zone or patrimonial seas" and "the attainment of one of the vice presidencies."

Chile's LOS position has remained constant despite domestic political changes. Fernando Zegers, Chile's foremost LOS expert who headed his nation's delegations to all of the UN LOS sessions, remains the key spokesman. Edmundo Vargas Carreno, a university professor, has been very influential in Chilean LOS matters and was chiefly responsible in the formulation of Chile's "patrimonial sea" concept. As an adviser in 1972 he recommended the free passage position adopted by the Chilean Navy. He participated in consultations with the U.S. LOS Team in May 1974. Although he was not a member of the official Chilean delegation at the 1974 Caracas session of the Third LOS Conference, he did attend that session as a member of the Inter-American Juridical Committee.

A complete listing of Chilean officials who attended the 1973 organizational session of the Third UN LOS Conference, the 1974 Caracas session of the Conference, and/or the UN Seabed Committee preparatory sessions follows:

Name and Title	Seabed Committee Session						Third LOS Conf.	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Jun- Dec 73	Aug 74
Sr. Sergio BARRA Captain, Navy							X	
S.E. Sr. Raul BAZAN Ambassador Extraordinary and Plenipontentiary Permanent Representative to the United Nations (Now assigned to Foreign Ministry)			X		X		X	
Sr. Augusto BRUNA							X	
Sra. Eliana BUCCHI Member, Permanent Mission to the United Nations (Has since left govt. service)				X		X		
Sr. Adolfo CARAFI Third Secretary								X
Sr. Patricio CARRASCO Second Secretary, Permanent Mission to the United Nations (Has since become First Secretary)								X
S.E. Dr. Humberto DIAZ-CASANUEVA Ambassador Extraordinary and Plenipontentiary Permanent Representative to the United Nations (Has since gone into exile)			X					
Sr. Ladislao D'HAINAUT Captain, Navy		X				X		
Sr. OctavioERRAZURIZ First Secretary								X

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Name and Title

Sra. Ana Maria FERNANDEZ
Ministry of Foreign Relations

Sr. Alfonso FILIPPI
Commander, Navy

Sr. Rodrigo FUENZALIDA
Captain, Navy

S.E. Sr. Enrique GAJARDO
Ambassador

(Diplomatic rank only; currently
assigned to Foreign Ministry)

Sr. Fernando GAMBOA Serazzi
Minister-Counselor

Sr. James HOLGER
Minister-Counselor
Deputy Permanent Representative
to the United Nations

Sr. Javier ILLANES
Minister-Counselor

Ing. Ernesto KAUSEL
Expert in the exploitation and
processing of minerals, Copper
Corporation of Chile

(Has since left the copper
corporation)

Sr. Fernando MONTANER
Second Secretary, Permanent
Mission to the UN

(Now assigned to Australia)

Sr. Pedro OYARCE
Third Secretary

Name and Title	Seabed Committee Session						Third LOS Conf.	
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Jun- Dec 73	Aug 74
Sra. Ana Maria FERNANDEZ Ministry of Foreign Relations						X		
Sr. Alfonso FILIPPI Commander, Navy								X
Sr. Rodrigo FUENZALIDA Captain, Navy			X					
S.E. Sr. Enrique GAJARDO Ambassador						X		X
(Diplomatic rank only; currently assigned to Foreign Ministry)								
Sr. Fernando GAMBOA Serazzi Minister-Counselor		X						X
Sr. James HOLGER Minister-Counselor Deputy Permanent Representative to the United Nations								X
Sr. Javier ILLANES Minister-Counselor								X
Ing. Ernesto KAUSEL Expert in the exploitation and processing of minerals, Copper Corporation of Chile					X			
(Has since left the copper corporation)								
Sr. Fernando MONTANER Second Secretary, Permanent Mission to the UN			X					
(Now assigned to Australia)								
Sr. Pedro OYARCE Third Secretary								X

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Name and Title

	Seabed Committee Session							Third LOS Conf.	
	Mar 71	Jul 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73		Dec 73	Jun- Aug 74
Sr. Fernando PAREDES Colonel, Army									X
*Sr. Patricio PRIETO Legal Adviser to the Navy General Staff		X	X	X			X		X
Sr. Hector REPETTO Third Secretary Ministry of Foreign Relations (Has since left govt. service)			X	X	X	X			
Sr. Victor RIOSECO Minister-Counselor Permanent Mission to the UN (Currently assigned to Scandanavia)			X						
S.E. Sr. Hernan SANTA CRUZ Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN (and specialized agencies) in Geneva (Now in exile)				X			X		
Sr. Mario VALENZUELA Legal Adviser of the Ministry of Foreign Relations (Has since left govt. service)							X		
*S.E. Sr. Fernando ZEGERS Ambassador Ministry of Foreign Relations (Given this rank while Dep. Perm. Rep. to UN. Official rank is Minister-Counselor)	X	X	X	X	X	X	X	X	X

* See following pages for biographic sketch.

SECRET

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CHILE

Part II - Background Information

Geography

World region: Latin America
Category: coastal
Bordering states: Peru, Bolivia, Argentina
Bordering bodies of water: Pacific Ocean
Straits: Strait of Magellan (1+ mi.), Beagle Channel
Area of continental shelf: 8,000 sq. mi.
Area to 200 mi. limit: 667,300 sq. mi.
Area to edge of continental margin: 167,900 sq. mi.
Coastline: 4,000 statute mi.
Land: 286,000 sq. statute mi.
Population: 9,804,000

Industry and Trade

GDP: \$7.78 billion (1973, at 1972 prices); \$790 per capita
Major industries: copper, nitrates, foodstuffs, fish processing,
textiles and apparel, iron and steel, pulp and paper
Exports: \$1.2 billion (f.o.b., 1973 est.); copper, iron ore, nitrates,
iodine
Imports: \$1.6 billion (c.i.f., 1973 est.); foodstuffs, machinery
and equipment, chemicals
Major trade partners: exports -- 44% EC, 14% Japan, 8% U.S., 11%
LAFTA; imports -- 28% EC, 16% U.S., 18% LAFTA, 3% Japan (1972)
Merchant marine: 43 ships (1,000 GRT or over) totaling 374,200
GRT; includes 1 passenger, 27 cargo, 3 tanker, 1 liquefied gas,
6 bulk, 1 combination ore/oil; includes 2 naval tankers and 2
troop transports sometimes used commercially

Marine Fisheries

Catch: 1.49 million metric tons (1971); exports -- \$20.3 million,
imports -- \$2.1 million (1972)
Economic importance: significant
Ranking: 10th worldwide, 2d regional
Nature: coastal, deep water
Species: anchovy, tuna
Marine fisheries techniques: modern and artisanal
Other countries fishing off coast: U.S., Japan

Petroleum Resources

Petroleum: production -- 12.5 million 42 gal. bbl. (1.6 million metric tons) onshore; proved recoverable reserves -- 100.6 million 42 gal. bbl. (12.9 million metric tons) onshore (1972)
Natural gas: 284.9 billion cubic feet (8.1 billion cubic meters) onshore; proved recoverable reserves -- 1,775 billion cubic feet (50 billion cubic meters) onshore (1972)

Navy

Ships: 3 light cruisers, 7 destroyers, 2 submarines, 6 patrol ships and craft, 13 amphibious warfare ships, 16 auxiliaries, 9 service craft

Government Leaders

Head of State: Junta President, General Augusto PINOCHET Ugarte
Minister of Foreign Relations: Vice Admiral Patricio CARVAJAL Prado

Multilateral Conventions

Chile-Ecuador-Peru. Agreements signed at the First Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Santiago, August 18, 1952: (i) Declaration on the Maritime Zone; (ii) Organization of the Standing Committee of the Conference on the Use and Conservation of the Marine Resources of the South Pacific; (iii) Joint Declaration of Fishery Problems in the South Pacific; (iv) Regulations governing Whaling in the Waters of the South Pacific.

Nuclear Test Ban Treaty, 1965

International Convention on Safety of Life at Sea, 1966.

Declaration of Montevideo on the Law of the Sea, May 1970.

Declaration of Lima on the Law of the Sea, August 1970.

IMCO Convention, 1972.

SECRET

Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea		3 mi.	Art. 593, Civil Code
	1948	50 km.	Law 8944 of Jan. 21, 1948 Suspended "momentarily"; Revoked by Law 9896, Feb. 22, 1951
	1953	200 mi. <u>maritime zone</u>	Supreme Resolution No. 179 of Apr. 11, 1953 Approved 200 mi. Declaration of Maritime Zones of Santiago
Continental Shelf	1947	200 mi. "Protection and Control zone"	Presidential Declaration of June 23, 1947. El Mercurio Santiago June 29, 1947 <i>Sovereignty over continental shelf. Freedom of navigation not affected. Including sovereignty over superjacent waters within limits necessary in order to reserve, protect, preserve and exploit the natural resources, especially fisheries.</i>
Exclusive Fishing	1947	200 mi.	Presidential Declaration of June 23, 1947
Customs	1948	100 km.	Law 8,944 of Jan. 21, 1948
Security	1948	100 km.	Law 8,944 of Jan 21, 1948
Neutrality	1914	3 mi.	Declaration of Nov. 15, 1914

* Principal source: Limits of the Seas, National Claims to Maritime Jurisdictions, 2d Revision, State Dept./INR, April 1974

Action on Significant UN Resolutions

Moratorium Resolution
(A/RES/2574 D, XXIV, 12/15/69) In favor

Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.

LOS Conference
(A/RES/2750 C, XXV, 12/17/70) In favor

Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.

LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72) Adopted w/o vote

Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72) In favor

Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.

Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72) Against

Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.

Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72) In favor

Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.

Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72) In favor

Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

Membership in Organizations Related to LOS Interests

ECOSOC	Economic and Social Council (U.N.)
IADB	Inter-American Defense Board
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development (World Bank)
ICAO	International Civil Aviation Organization
IDB	Inter-American Development Bank
IHB	International Hydrographic Bureau
IMF	International Monetary Fund
LAFTA and Andean Sub-Regional Group (created in May 1969 within LAFTA)	Latin American Free Trade Association
OAS	Organization of American States
Seabed Committee	United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Juris- diction
UN	United Nations

UNITED NATIONS
GENERAL
ASSEMBLY



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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

Dual distribution

WORKING PAPER ON THE REGIME FOR THE SEA BED AND OCEAN
FLOOR AND ITS SUBSOIL BEYOND THE LIMITS OF NATIONAL JURISDICTION

Submitted by Chile, Colombia, Ecuador, El Salvador, Guatemala, Guyana,
Jamaica, Mexico, Panama, Peru, Trinidad and Tobago, Uruguay, Venezuela.

P R E A M B L E

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C H A P T E R I

Fundamental principles

Art. 1.- The Sea Bed and Ocean Floor and the subsoil thereof beyond the limits of national jurisdiction (hereinafter referred to as "the area") as well as its resources are the common heritage of mankind.

Art. 2.- The area and its resources shall not be subject to appropriation by any means whatsoever by States or persons, natural or juridical, and no State shall claim or exercise sovereignty over any part of the area and its resources, nor shall it claim or exercise any rights except as hereinafter provided.

Art. 3.- Exclusive jurisdiction over the area and administration of its resources shall be exercised on behalf of mankind by the Authority established under this Convention.

RE.71-17557

Art. 4.- The benefits obtained from exploitation of the resources of the area shall be distributed equitably among all States, irrespective of their geographical location, giving special consideration to the interests and needs of developing countries, whether coastal or landlocked.

Art. 5.- Exploitation of the resources of the area shall be carried out in a rational manner so as to ensure their conservation and to minimize any fluctuation in the prices of minerals and raw materials from terrestrial sources that may result from such exploitation and adversely affect the exports of the developing countries.

Art. 6.- All activities in the area shall be carried out in such a manner as to protect and conserve the natural resources of the area and to prevent damage to the fauna and flora of the marine environment.

Art. 7.- The area shall be used exclusively for peaceful purposes.

Art. 8.- In the activities carried out in the area, the rights and legitimate interests of coastal States shall be respected. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of resources with a view to avoiding infringement of such rights and interests. Coastal States shall have the right to adopt such measures as may be necessary to prevent, mitigate or eliminate grave danger to their coasts or related interests that may result from pollution, the threat of pollution or from any other hazardous occurrences resulting from or caused by such activities.

C H A P T E R II

The Authority. Members. Functions and Powers.

Art. 9.- The Parties to this Convention do hereby establish an International Authority, for the Sea bed, herein referred to as "The Authority".

Art.10.- The seat of The Authority shall be - It may be transferred by the Assembly on the affirmative vote of two thirds of its members.

Art.11.- Membership in the Authority shall be open to all States.

Art.12.- The Authority shall have such international legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Art.13.- The Authority shall enjoy in the territory of each of its members, such privileges and immunities as are necessary for the fulfilment of its purposes.

Art.14.- The International Seabed Authority, hereby established, is empowered:

(c) to provide for the orderly and safe development and rational management of the area and its resources for the benefit of mankind;

- (b) to undertake scientific research in the area;
- (c) to undertake exploration of the area, and exploitation of its resources as well as all activities relating to production, processing and marketing;
- (d) to provide for the equitable sharing of benefits deriving from the exploration of the area and the exploitation of its resources, taking into account the special interests and needs of the developing countries, whether landlocked or coastal, in accordance with precise criteria to be established by the Assembly;
- (e) to take all necessary measures, including inter alia, control, reduction or suspension of production or fixing of prices of products obtained from exploitation of the area, whenever it deems that such production may have adverse economic effects for developing countries, exporters of raw materials;
- (f) to take measures to prevent, mitigate or eliminate pollution or the threat of pollution as well as other hazardous occurrences resulting from or caused by any activities in the area;
- (g) to make, on the initiative of interested States or in agreement with them, such regional or subregional arrangements, including the establishment of subsidiary organs and regional or subregional facilities, as it deems necessary for the exercise of its functions;
- (h) to take measures to ensure the implementation of the principles and provisions of this convention.

Art.15.- The Authority shall itself undertake exploration and exploitation activities in the area; it may, however, avail itself for this purpose of the services of persons, natural or juridical, public or private, national or international, by a system of contracts or by the establishment of joint ventures. The Authority itself may also undertake scientific research. It may authorize other persons to carry out or undertake such research, provided that the Authority may supervise any research authorized by it.

Art.16.- In order to ensure the participation of developing countries on terms of equality with developed countries in all aspects of the activities carried out in the area, the Authority:

- (a) shall establish oceanographic institutions on a regional basis for the training of nationals of developing countries in all aspects of marine science and technology;

(b) shall provide to developing countries on request technical assistance and experts in the field of oceanographic exploration and exploitation;

(c) shall adopt all appropriate measures to ensure the employment of qualified personnel from developing countries in all aspects of the activities carried out in the area;

(d) shall give priority to the location in developing countries of processing plants for the resources extracted from the area;

(e) shall, in the conclusion of contracts and the establishment of joint ventures, give due consideration to entities from developing countries; shall make adequate plans to promote the creation and development of such entities and reserve zones within the area for preferential exploitation by such entities.

Art.17.- Authorization for scientific research shall be granted to any entity offering, in the judgment of the Council, the necessary guarantees as to its technical competence and undertaking to assume responsibility for any damage that may be caused to the marine environment and to comply with the regulations adopted in this regard by the Authority. Such authorization may be denied whenever, in the judgment of the Council, there are reasons to believe that the proposed activities do not have a peaceful purpose, or that they are to be pursued with a view to financial gain or that they are likely to involve risks to the marine environment.

Authorization may also be revoked at any time for violation of the applicable regulations adopted by the Authority.

Art.18.- The Authority shall at all times have access to all research data as well as to interim and final results of research. Such results and data must be communicated to the Authority before their publication or communication to other institutions or governments.

Art.19.- The Authority has the right to supervise at all times all stages of any scientific research programme which is carried out in the area or to participate in any or all stages of such research whenever it considers participation desirable.

CHAPTER III

STRUCTURE

Organs

Art.20.- The principal organs of the Authority shall be the Assembly, the Council, the International Seabed Enterprise (ISBE) hereinafter referred to as the Enterprise, and the Secretariat.

SECTION 1

The Assembly

Art.21.- The Assembly shall be the supreme organ of the International Seabed Authority and shall consist of all States members of the Authority.

Art.22.- The Assembly shall meet in ordinary session annually. Extraordinary sessions of the Assembly shall be convoked by the Secretary-General at the request of the Council or of a simple majority of the members.

A simple majority of the members shall constitute a quorum at meetings of the Assembly. Each State member of the Assembly shall have one vote.

Decisions of the Assembly shall be taken by a majority of the members present and voting.

Art.23.- The Assembly may discuss and decide on any questions or any matters within the scope of the present Convention or relating to the powers and functions of the Authority as embodied in Article 14, and give directions to the Council and other organs of the Authority on any of those questions or matters.

Art.24.- The Assembly shall inter alia be empowered:

- (a) to elect its President and other officers;
- (b) to elect the members of the Council after having determined the group to which each Contracting Party will belong for the purpose of those elections, in accordance with the terms of Article 14 on the distribution of seats;
- (c) to determine its rules of procedure and constitute such subsidiary organs as it may consider necessary or desirable;
- (d) to decide on the question of contribution;
- (e) to approve the Authority's budget;
- (f) to consider the annual reports from the Council and the Secretary-General as well as any special ones which it may receive, including those submitted upon its own request;
- (g) to approve the regulations proposed by the Council relating to the formation of contracts and joint ventures with juridical persons, duly sponsored by States for the exploitation of the resources of the area;
- (h) to approve the report of the Enterprise, submitted through the Council;

(1) to adopt precise criteria for the sharing of benefits as well as approve annually the plan submitted by the Council on the basis of such criteria;

(j) [Question of the powers and functions of the Assembly relating to the Enterprise].

(k) to decide from time to time which parts of the area are open to exploration and exploitation, and to establish as may be deemed necessary for the orderly development of the area and preservation of the marine environment and its living resources, reserve areas free from exploration and exploitation.

Art.25.- The Assembly shall establish, as an advisory body to the Council, a Planning Commission to draw up plans and make recommendations, as may be necessary, for the development and use of the area and its resources, including appropriate measures for the strengthening of the technological capability of developing countries and for preventing any fluctuation in the prices of raw materials that may adversely affect the economy of developing countries.

SECTION 2

COUNCIL

Art.26.- The Council shall comprise 35 members and shall meet as often as necessary for the performance of its functions.

Art.27.- Members of the Council shall be elected by the Assembly, from the lists prepared in accordance with Article... having due regard to the principle of equitable geographical representation.

Art.28.- The members of the Council shall serve for a term of three years and shall be eligible for re-election. Elections shall be held every year. The Assembly shall determine, by drawing lots, after the first election, that the mandate of twelve members shall expire at the end of one year and that of twelve other members at the end of two years.

Art.29.- Each member of the Council shall have one vote. Substantive decisions of the Council shall be made by a two-thirds majority of the members of the Council present and voting. Procedural decisions (including the question as to whether a particular decision is substantive) shall be made by a simple majority of members of the Council present and voting.

Art.30.- The Council shall elect its Chairman, three Vice-Chairmen and one Rapporteur for a term of one year.

The Chairman, or in case of his incapacity, the Vice-Chairman, appointed by him shall:

Convene and conduct the meetings of the Council and carry out such other functions as may be assigned to him by the Council.

Art.31.- Any Contracting Party not represented on the Council may participate without vote in the consideration by the Council of any question which is of particular interest to it.

Art.32.- The powers and duties of the Council shall be to:

- (a) submit annual reports to the Assembly as well as special reports which it may deem necessary or when requested by the Assembly;
- (b) determine its rules of procedure;
- (c) propose to the Assembly the establishment of subsidiary organs, as may be necessary or desirable, and the definition of their duties;
- (d) to make recommendations to the Assembly as to the contribution of member States;
- (e) submit proposed budgets to the Assembly for its approval, and supervise their execution;
- (f) issue regulations pertaining to all activities undertaken in the area, including those related to the resources thereof, and supervise those activities, in accordance with such criteria as may be laid down by the Assembly;
- (g) submit to the Assembly proposed rules and regulations on the formation of joint ventures with juridical persons, duly sponsored by States, for the exploration and exploitation of the resources of the area;
- (h) submit to the Assembly the scale of distribution among Contracting Parties of benefits from activities in the area;
- (i) authorize scientific research in the area;
- (j) set rules and standards for the prevention of pollution and contamination of the marine environment from seabed activities;
- (k) adopt, for the benefit of developing countries, measures designed to attain the aims set forth in Art. 16.
 - (l) to make recommendations to the Assembly with respect to reserve areas as provided for in Art. 24j;
 - (m) (question of the powers and functions of the Council with regard to the Enterprise)]

SECTION 3

THE ENTERPRISE

Art.33.- The Enterprise is the organ of the Authority empowered to undertake all technical, industrial or commercial activities relating to the exploration of the area and exploitation of its resources (by itself, or in joint ventures with juridical persons duly sponsored by States).

Art.34.- The Enterprise shall have an independent legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Art.35.- (Questions relating to the structure and functions of the Enterprise).

SECTION 4

THE SECRETARIAT

Art.36.- There shall be a Secretary-General, elected by the Assembly for a term of five years. The Secretary-General shall be the chief administrative officer of the Authority.

Art.37.- The Secretary-General shall act in that capacity in all meetings of the Assembly and the Council and shall perform such other duties as are entrusted to him by those organs. He shall make an annual report to the Assembly on the work of the Authority.

Art.38.- The Secretary-General shall act in an advisory capacity to the Enterprise.

Art.39.- The Secretary-General shall be responsible for the distribution of all information obtained from scientific research in the area.

Art.40.- The Secretary-General shall draw the attention of the Council to any matter which in his opinion may require its urgent consideration.

Art.41.- In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Authority. They shall refrain from any action which might reflect on their position as international officials responsible only to the Authority.

Art.42.- Each Member of the Authority undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and shall not seek to influence them in the discharge of their responsibilities.

Art.43.- The staff shall be appointed by the Secretary-General under regulations established by the Assembly.

Art.44.- Appropriate staffs shall be permanently assigned to the Assembly and the Council, and, as required, to other organs of the Authority. These staffs shall form a part of the Secretariat.

Art.45.- The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER IV
SETTLEMENT OF DISPUTES

CHAPTER V
FINAL PROVISIONS

(Questions relating to amendments, ratification, accessions, reservations, entry into force, etc.)

1. Draft decision submitted by Algeria, Brazil, Chile, China, Iraq, Kenya, Kuwait, the Libyan Arab Republic, Mexico, Peru, Venezuela, Yemen and Yugoslavia*

The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

Recalling General Assembly resolution 2574 D (XXIV), of 15 December 1969, in which the Assembly declares that, pending the establishment of an international régime for the sea-bed and the ocean floor, States and persons, physical or juridical, are bound to refrain from all activities of exploitation of the resources of the area,

Bearing in mind the provisions of the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil thereof, beyond the Limits of National Jurisdiction, contained in General Assembly resolution 2749 (XXV) of 17 December 1970 which declares that the area shall not be subject to appropriation by any means by States or persons, natural or juridical, and that no State shall claim or exercise sovereignty or sovereign rights over any part thereof: and that no State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of the Declaration,

Gravely concerned over the evidence that a number of States, organizations and consortia are already engaged in operational activities in the area,

Calls upon all States engaged in activities in the sea-bed area, beyond the limits of national jurisdiction, in conformity with the provisions of the two resolutions cited above, to cease and desist from all activities aiming at commercial exploitation in the sea-bed area and to refrain from engaging directly or through their nationals in any operations aimed at the exploitation of the area before the establishment of the international régime,

Reaffirms that prior to the establishment of the international régime, no claims on any part of the area or its resources, based on past, present or future activities will be recognized.

* Originally issued as document A/AC.138/L.11/Rev.1.



UNITED NATIONS



THIRD CONFERENCE ON THE LAW OF THE SEA

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Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico
New Zealand and Norway: working paper

The representatives of Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico, New Zealand and Norway have held a number of informal consultations on certain issues relating to the Law of the Sea. They are presenting the following draft articles as a possible framework for discussion on those issues by the Third United Nations Conference on the Law of the Sea.

Preparation of this informal working paper does not imply withdrawal of the proposals submitted, individually or jointly, by some of the above-named States, or substitution of such proposals or stated positions by the present working paper; nor does the paper necessarily reflect their final positions and is without prejudice to declared national positions.

C-0599

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Page 2

Draft articles

Territorial sea: general provisions

Article 1

1. The sovereignty of a coastal State extends beyond its land territory and internal waters, and, in the case of archipelagic States, their archipelagic waters, over an adjacent belt of sea defined as the territorial sea.
2. The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.
3. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

Article 2

The breadth of the territorial sea shall not exceed 12 nautical miles to be measured from the applicable baseline.

Article 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 4

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.
2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.
3. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.
4. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

Archipelagic States

Article 5

1. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos.
2. For the purpose of these articles, an archipelago is a group of islands, including parts of islands, with interconnecting waters and other natural features which are so closely interrelated that the component islands, waters and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

Article 6

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea, economic zone and other special jurisdictions are to be measured.
2. If the drawing of such baselines encloses a part of the sea traditionally used by an immediate and adjacent neighbouring State for direct communication from one part of its territory to another part, such communication shall continue to be respected.

Article 7

1. The waters enclosed by the baselines, hereinafter referred to as archipelagic waters, regardless of their depth or distance from the coast, belong to and are subject to the sovereignty of the archipelagic State to which they appertain.
2. The sovereignty and rights of the archipelagic State extend to the air space over its archipelagic waters as well as to the water column, the sea-bed and subsoil thereof, and to all of the resources contained therein.
3. Innocent passage* of foreign ships shall exist through archipelagic waters.

* /Further articles will be required relating to the régime and description of passage through specified sea lanes of the archipelagic waters./

Article 8

The foregoing provisions regarding archipelagic States shall not affect the established régime concerning coastlines deeply indented and cut into and to the waters enclosed by a fringe of islands along the coast, as expressed in article 4.

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Archipelagos forming part of a coastal State

Article 9

1. A coastal State with one or more off-lying archipelagos, as defined in article 5, paragraph 2, which form an integral part of its territory, shall have the right to apply the provisions of articles 6 and 7 to such archipelagos upon the making of a declaration to that effect.
2. The territorial sea of a coastal State with one or more off-lying archipelagos exercising its rights under this article will be measured from the applicable baselines which enclose its archipelagic waters.

Article 10

The provision regarding archipelagos forming part of a coastal State shall not affect the established régime concerning coastlines deeply indented and cut into and to the waters enclosed by a fringe of islands along the coast, as expressed in article 4.

Article 11

The provision regarding archipelagos forming part of a coastal State shall be without prejudice to the régime of archipelagic States, as provided for in articles 5, 6 and 7.

Economic zone

Article 10-12

The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the exclusive economic zone: (a) sovereign rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters; (b) the other rights and duties specified in these articles with regard to the protection and preservation of the marine environment and the conduct of scientific research. The exercise of these rights shall be without prejudice to article 19 of this convention.

Article 13

The outer limit of the economic zone shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

(The co-sponsors recognize the requirement for equitable rights of access on the basis of regional, subregional or bilateral agreements, for nationals of developing land-locked States and developing geographically disadvantaged States (to be defined) to the living resources of the exclusive economic zones of neighbouring coastal States. They will shortly be presenting articles to this effect.)

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Article 14

In the economic zone, ships and aircraft of all States, whether coastal or not, shall enjoy freedom of navigation and overflight subject to the exercise by the coastal State of its rights within the area, as provided for in this convention.

Article 15

The coastal State shall exercise its rights and perform its duties in the economic zone without undue interference with other legitimate uses of the sea, including, subject to the provisions of this convention, the laying of cables and pipelines.

Article 16

The emplacement and use of artificial islands and other installations on the surface of the sea, in the waters and on the sea-bed and subsoil of the economic zone, shall be subject to the authorization and regulation of the coastal State.

Article 17

In exercising their rights under this convention, States shall not interfere with the exercise of the rights or the performance of the duties of the coastal State in the economic zone.

Article 18

The coastal State shall ensure that any exploration and exploitation activity within its economic zone is carried out exclusively for peaceful purposes.

(Further specific articles will be required in relation to the economic zone.)

Continental shelf

Article 19

1. The coastal State exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources.

2. The continental shelf of a coastal State extends beyond its territorial sea to a distance of 200 miles from the applicable baselines and throughout the natural prolongation of its land territory where such natural prolongation extends beyond 200 miles.

A/CONF.62/L.4

English

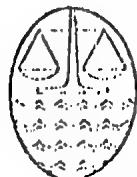
Page 6

3. Paragraph 2 of this article shall be without prejudice to the provisions concerning delimitation between adjacent and opposite States contained in articles and other rules of international law.

/Further provisions will be required on the subject of article 19 including provisions to cover the precise demarcation of the limits of the continental margin beyond 200 miles; the use of the shelf for peaceful purposes only; delimitations between opposite and adjacent States, with retention of existing rights, including rights under bilateral agreements; and the relationship between the continental shelf and the economic zone./



UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

FIRST COMMITTEE

Distr.
LIMITED

A/CONF.62/C.1/L.11
26 August 1971
ENGLISH
ORIGINAL: SPANISH

CHILE: WORKING PAPER ON THE ECONOMIC IMPLICATIONS FOR THE
DEVELOPING COUNTRIES OF THE EXPLORATION OF THE SEA-BED
BEYOND THE LIMITS OF JURISDICTION

The topic with which we are concerned has been debated both in the First Committee, when the representatives of the Secretary-General and of UNCTAD took part, and in the seminar that was organized on this question, which enabled a free, off-the-record and thorough discussion to be held.

The seminar, which all delegations had the opportunity to attend, the questions put to the representatives of UNCTAD and of the Secretary-General, and their answers, the very comprehensive reports submitted to the Conference by the Secretary-General and by UNCTAD, and the summary (A/CONF.62/C.1/L.2) which the Chairman had prepared for the First Committee constitute a body of important information which has enabled delegations sufficiently to form their own views on this topic.

We must try to deal with the whole subject of the so-called economic implications in an orderly and systematic manner, for it is something with which we have been concerned since 1968.

It must first be asked: what are the economic implications? Here we are dealing with a cliché of the same kind as the term "rules and regulations" and many others. What are the economic implications? Since 1968, when the Sea-Bed Committee met for the first time, it has been said that the new submarine products will necessarily affect the prices and markets of land-source supplies. If a new source of production appeared on the scene, it was only logical that it should cause some drop in prices and have some impact on the market; thus it would be harmful for the countries producing the same minerals, particularly for the developing countries, and that harmful effect had to be prevented or efforts must be made to minimize it. At that time in 1968 there began to be talk of the so-called economic implications of future exploitation and there was included in the report of the Sea-Bed Committee a principle which is always reiterated every year. The principle is that the harmful effects which future production might cause or initiate in the economies of the producing developing countries should be minimized.

This principle has been repeated in all the reports of the Sea-Bed Committee since 1968 and it is included in the solemn declaration of principles proclaimed by the twenty-fifth anniversary session of the General Assembly in resolution 2749 (XXV) which was adopted by consensus. That same session also adopted resolution 2750 A (XXV) in which the Secretary-General was requested, in co-operation with UNCTAD, to keep this matter

C-1874

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under review and to propose solutions; the report of the Secretary-General is a result of that resolution. For its part, UNCTAD adopted at its third session, held at Santiago, Chile, resolution 51 (3) which uses practically the same language as the General Assembly resolution; accordingly, UNCTAD has issued reports and sent two representatives to this Conference. By taking up this topic and dealing with it - it is an item on its agenda - the Conference is in fact repeating and ratifying the mandate which it has received to deal with this principle and give it a precise formulation.

The principle of minimizing the harmful implications of future exploitation coexists with another principle - that of the common heritage of mankind. The principle of the common heritage of mankind implies that there is going to be exploitation, subject to a régime and an international authority, and that this exploitation is going to benefit mankind, i.e. all States. Thus the principle of minimization should be understood in conjunction with the principle of the common heritage.

I must now get down to brass tacks.

In the first place, which are the exploitable minerals of the sea-bed?

We have been tending to give priority to manganese nodules containing manganese, cobalt, nickel and copper, for the simple reason that the prospects of exploiting such nodules have been imminent, because extensive exploration activities have already been carried out, and because certain steps identifiable with incipient exploitation have been taken despite the existence of a moratorium which was already implicit in General Assembly resolution 2749 (XXV) establishing the principles governing the sea-bed. However, manganese, copper, nickel and cobalt obtained from manganese nodules are not the only minerals involved or the only ones to be exploited. The study prepared by the Secretary-General for the Economic and Social Council, entitled "Mineral Resources of the Sea", provides a clear indication as to which minerals are involved.

In addition to manganese nodules, petroleum and gas should not be overlooked. It is not my intention to go into or prejudge the question of national jurisdiction, but as the Secretary-General's study established, petroleum is to be found not only on the continental shelf but also in various ocean basins, among them the Gulf of Mexico. In the opinion of a University of Miami geophysicist, recently reported in Time magazine, there could be hundreds of sites in the ocean depths which contain petroleum and gas.

A recent issue of The New York Times contained a report on the project known as "FAMOUS" which was carried out jointly by the United States and France. While exploring the mid-Atlantic sea-bed to study a series of geological phenomena, the project discovered geysers, upswellings of manganese, and manganese ore in its pure state. The project has also studied and examined the so-called metalliferous muds existing in different areas of the world, especially in the Red Sea, which contain zinc, iron, silver, gold and copper. The sea-bed also contains tin, diamonds, metalliferous sands and sediments, coal, gold, iron, phosphate and phosphorite. Thus the mineral content of the sea-bed is not limited to manganese nodules alone.

Which countries could therefore be affected? Almost all of the developing countries. There is not a single one of the ninety-odd developing countries (perhaps their number already exceeds 100) which is not a producer of one of those minerals. But apart from this, it has been said that the exploitation of manganese nodules would affect only five easily identifiable countries. According to document A/AC.138/36, prepared

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by the Secretary-General in 1971, there are two categories of States which would be affected: those whose economies would be profoundly affected and those which would be simply affected. With regard to copper, Zambia, Zaire, Peru, Chile, the Philippines and Uganda would be substantially affected. Haiti, Bolivia, Nicaragua, Mexico, Morocco, Cuba, the Republic of Korea and India would be affected to some degree. With regard to manganese, Gabon, Ghana, Brazil, India and China would be seriously affected, while Guyana, the Ivory Coast and the Philippines would be affected to some degree. With regard to nickel, Cuba, Indonesia, New Caledonia would be substantially affected, while the Philippines, Guatemala and the Dominican Republic would be affected to some degree. With regard to cobalt, Zaire, Zambia and Morocco would be substantially affected, while New Caledonia and Cuba would be affected to some degree.

As can be seen, the list contains more than 30 countries.

What is the true position with regard to the exploitation of the nodules? Firstly, the sea-bed resources are adequate to cover world demand for the most important minerals for centuries, even if there were no land-based production. Secondly, the great maritime Powers have explored all the oceans for manganese nodules and are well aware of their existence; the places where the minerals are richest in manganese nodules are well known; there are not only one but four or five highly developed methods of extraction which have been described in some detail in the Secretary-General's report; there are sophisticated metallurgical mineral-separating systems; transport and marketing systems have already been studied; there is intensive research into the economic potential of the nodules; several companies from most of the Western industrialized countries have invested large sums (each group of companies - and there are at least six of them - has invested between \$100 million and \$200 million) in exploration for the nodules; technology is developing at a fantastic rate and substantial progress is being made in undersea mineralogy every year, as anyone who has attended marine science and technology congresses in the United States knows; economists have also established that the commercial exploitation of minerals, and particularly of nodules, will be profitable. Certain activities, such as those carried out by the ship belonging to the American Howard Hughes, are difficult to distinguish from the early stages of a process of exploitation. A bill has also been submitted to the congress of an important industrialized nation authorizing that nation, in agreement with others, to grant licences in the area beyond national jurisdiction, without reference to the United Nations, the Conference or the international community. In other words, this would authorize the establishment of a régime among the developed countries under which they would share the resources of the sea-bed. All the foregoing shows that the sea-bed is exploitable, and exploitable in the very near future. That is the true situation.

What are the economic implications of this situation? We have before us two basic studies, that of UNCTAD and that of the Secretariat. Both are summarized in document A/CONF.62/C.1/L.2 and have been explained extremely clearly and in detail by the representatives of UNCTAD and of the Secretariat.

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The UNCTAD document says that, if a new source of production is exploited, this will necessarily have adverse effects on the producers of land-based minerals. The report says that this is bound to lead to a reduction in prices, because the price of the land-based products must either decrease or increase less than it normally would. If the increase is less than normal, there must obviously be adverse effects in any case, since, the prices of raw materials - other raw materials such as food products, petroleum, etc. - are rising considerably. However large the volume of production, UNCTAD concludes that there must be adverse effects on the developing producer countries. Since they export almost all the copper, much of the manganese and cobalt and a large proportion of the nickel in the world, they would be the most affected.

The Secretariat holds that there will be adverse effects, that there will be some short-term adverse effects on cobalt, manganese and nickel, and that there will be other long-term adverse effects on copper.

With respect to the magnitude of the adverse effects, there are numerical estimates in the UNCTAD study, although there are no precise estimates in the study by the Secretary-General. The UNCTAD study calculates, for 1980, that the income of the producing developing countries, with respect to nodules, may decrease by \$360 million, while the total income of the international authority, in the same period, would be practically the same. In other words, the producing developing countries would be paying the authority fully with the adverse effects which they would suffer. The Secretariat makes overall estimates which are based on the same UNCTAD statistics; it does not reach numerical conclusions, but its estimates are not inconsistent with those just made with respect to the authority.

For that reason, it is clear that there will be adverse effects and the only matter to be discussed is their magnitude. Various criteria have been put forward to deal with the adverse effects and we have established that it is an accepted principle that we have to minimize the negative implications which such production might have on land-based production.

Now, what needs to be established is the means which we should lay down in the treaty and what measures the international authority might adopt.

The documents of UNCTAD, the Secretariat and the seminar were based on two possible approaches: the compensatory approach and the preventive approach. The compensatory approach is generally rejected, both by UNCTAD and by the Secretary-General, as impractical, because the authority's income would certainly not be sufficient to provide the necessary compensation, and also as difficult and cumbersome. The Secretariat contemplates it only marginally for the cases of manganese and cobalt, as a supplementary criterion.

The second method is the preventive one and, in that respect, four major areas have been suggested. The first is the regulation and control of production which would be exercised by the authority. UNCTAD states that, for this method to be effective, the authority would have to control production, sales and prices and argues that these measures or the powers of the authority will be necessary in any event to effect a certain regulation because flexibility would be required seeing that the technological and economic conditions are changing daily; the Secretariat also emphasizes this flexibility.

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The second approach was suggested by Mr. Arsenis; it would involve a general agreement on primary commodities from the land and the sea; that is the criterion which is being discussed in the Economic and Social Council and in UNCTAD, and it is the criterion which was suggested in the special session of the General Assembly on raw materials held in New York.

The criterion is very interesting, but it will obviously take many years for any general and world-wide agreement between producers and consumers on primary commodities to be negotiated.

A third criterion suggested by UNCTAD is that of minimum prices. A fourth criterion, developed in the report of the Secretary-General, is the so-called complementary criterion, namely, that sea-bed production should be limited to meeting the growth in demand for minerals in short supply. This criterion is being thoroughly studied with respect to the demand for nickel because nickel is expected to be the principal metal recovered from manganese nodules and it is suggested in the report of the Secretary-General that new production should keep pace with increases in demand for nickel.

Thus we have four distinct approaches - four options open to us, each of great interest and all of which may be co-ordinated. A third and fourth criterion presented in the studies before us is the need in every case to conserve mineral wealth, that is to say the need to refrain from exploiting it all at once and instead to set aside certain areas so that more countries can join in submarine production as their technology improves. Failing that, these studies maintain that preferences or additional incentives should not be given to sea-bed production over land-based production.

These are the preventive or compensatory approaches suggested in the studies before us. We have therefore established, Mr. Chairman, that there will be submarine production, that this submarine production will have adverse effects - the extent of which has yet to be evaluated - that there is one undisputed principle, namely, minimization, that all we have to discuss is the measures required to implement it, and that there exist certain criteria for putting this principle into practice.

In the recent seminar, Mr. Engo, the Chairman of the Committee, summarized the proceedings. He said: first, that the adverse effects that would be suffered by land-based producers were clearly established, and second, that there was the question as to what the international community should do. He went on to say that it must take effective measures which would ensure, on the one hand, that future exploitation was not paralysed and, on the other, that sea-bed production was not counter-productive and did not greatly harm the developing countries or lessen the benefits they were entitled to expect. He also said that a formula or principle must be found and concluded that the authority must be able to adopt measures and be invested with sufficient and full powers to ensure its effectiveness. He ended by saying that the authority must be equipped with a technical body and should keep the matter under review and adopt measures.

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Table 1

Crude petroleum a/ exports of selected developing countries as
a percentage of total exports and gross domestic product, 1968

Country	Exports in 1968 (millions \$US)	Value of petroleum as a percentage of	
		Total exports	Gross domestic product
A. Petroleum as major foreign exchange earner (above 10 per cent of total exports)			
Libya b/	1,860.0	99.6	58.4
Kuwait b/	1,590.8	96.8	59.7
Iraq b/	996.0	95.5	35.9
Iran b/	1,686.6	89.7	19.5
Algeria	699.8	84.3	20.8 c/
Saudi Arabia	1,487.3	78.4	43.6
Venezuela	1,973.9	69.1	19.9
Gabon	63.9	51.5	26.8 d/
Lebanon e/	50.8	34.8	16.9
Indonesia	276.2	33.7	3.8
Tunisia	35.5	22.5	3.3
Nigeria	118.0	20.0	2.9 d/
Bolivia	21.1	13.8	2.5
B. Petroleum as important foreign exchange earner (between 3 per cent-10 per cent of total exports)			
Syria	14.1	8.2	1.2
United Arab Republic	51.3	8.2	0.8
Colombia	40.3	7.2	0.4
Trinidad and Tobago	29.6	6.2	3.6
Mexico e/	40.8	3.2	0.2
C. Petroleum as minor foreign exchange earner (less than 3 per cent of total exports)			
Congo (Brazzaville)	1.0	2.0	...
Peru	12.5	1.4	0.3
Liberia e/	2.18	1.3 c/	0.9 c/
Malaysia	8.1	0.6	0.25 f/
Uruguay e/	0.54	0.3	0.03
Southern Yemen e/	0.27	0.2	...
Burma e/	1.52	0.13	0.08 d/

(Source and foot-notes on following page)

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(Source and foot-notes to table 1)

Source: United Nations Statistical Papers, World Energy Supplies 1965-68; Organisation for Economic Co-operation and Development, Series C, 1968 (January-December), Commodity by Trade; International Monetary Fund, International Financial Statistics, April 1971; Monthly Bulletin of Statistics, March 1971; gross domestic product print-outs in national currency; Agency for International Development, Data Year Books.

- a/ Crude petroleum (SITC 331).
- b/ Data is obtained from IMF-IFS individual countries.
- c/ As percentage of gross national product or total exports from AID Yearbook.
- d/ Using 1967 gross domestic product.
- e/ Value of petroleum exports as reported by OECD importing countries.
- f/ Using 1966 gross domestic product.

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Table 2

Manganese exports a/ of developing countries as a percentage of total exports and gross domestic product in developing countries, 1969

Country	Exports in 1969		Value of manganese exports	
	Thousands metric tons	US dollars (.000)	As a percentage of total exports	As a percentage of gross domestic product
<u>A. Manganese as major foreign exchange earner:</u> <u>(above 10 per cent of total exports)</u>				
Gabon	1,584	30,095	21.2	12.7 ^{b/}
<u>B. Manganese as important foreign exchange earner:</u> <u>(between 3 per cent-10 per cent of total exports)</u>				
Ghana	305	9,149	33.0 ^{a/}	0.45 ^{c/}
<u>C. Manganese as minor foreign exchange earner:</u> <u>(less than 3 per cent of total exports)</u>				
Democratic Republic of the Congo . . .	272	9,134	1.6	0.63 ^{c/}
Brazil	808	25,408	1.10	0.09 ^{b/}
India	897	17,619	0.96	0.04 ^{b/}
Morocco	73	4,407	0.91	0.14
Guyana	29	501	0.4	0.2 ^{c/}
Ivory Coast	82	1,573	0.35	0.12
Trinidad and Tobago	13	487	0.1	0.05 ^{c/}
Philippines	31	815	0.08	0.01

Source: Agency for International Development, Economic Data Book; Bulletin annual de la statistique de la Rep. Gabon 1964 und 1970; Monthly Bulletin of Statistics, March 1971; International Monetary Fund, International Financial Statistics, April 1971.

a/ Manganese ore concentrate (SITC 283.7).

b/ 1967 data.

c/ 1968 data.

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Table 3

Copper exports a/ of developing countries as a percentage of total exports and gross domestic product, 1969

Country	Exports in 1969 millions US \$	Value of copper exports As a percentage of Total Exports	Value of copper exports As a percentage of Gross domestic product
A. Copper as major foreign exchange earner (above 10 per cent of total exports)			
Zambia b/	720.8	94.6 c/	52.6 c/
Congo-Kinshasa	475.8	83.0 c/	33.0 c/
Chile b/	730.7	78.3	12.7
Peru	250.1	28.9	6.1 d/
Philippines	150.9	15.6	1.8
Uganda	21.4	10.8	2.4 c/
B. Copper as important foreign exchange earner: (between 3-10 per cent of total exports)			
Haiti	2.3	6.2	...
Bolivia	7.4	4.1	0.8
Nicaragua	6.3	4.1	0.83
C. Copper as minor foreign exchange earner: (less than 3 per cent of total exports)			
Mexico	21.5	1.5	0.08 b/
Morocco	2.3	0.5	0.07
Cuba	2.3	0.35 c/	...
China (Taiwan)	3.5	0.3	0.07
South Korea	0.1	0.02	-
India	0.2	0.01	-

Source: Organisation for Economic Co-operation and Development, Series C, 1969 (January-December), Commodity by Trade: Imports; Monthly Bulletin of Statistics, March 1971; International Monetary Fund, International Financial Statistics, April 1971.

a/ Copper ore concentrates, including matte (SITC 283.1); copper and alloys, unwrought (SITC 682.1); copper and alloys of copper, worked (SITC 682.2).

b/ 1968 data based on International Monetary Fund, International Financial Statistics.

c/ 1968 data.

d/ 1967 data.

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Table 4

Nickel exports a/ of developing countries as a percentage
of total exports and gross domestic product, 1969

Country	Exports in 1969 (millions US dollars)	Value of nickel exports	
		As a percentage of total exports	As a percentage of gross domestic product
Cuba	13.4 ^{b/}	2.1 ^{b/}	...
Indonesia	4.4	5.9	0.6 ^{b/}
New Caledonia	67.4 ^{c/}

Source: Annales des mines (1968), January 1971; Organisation for Economic Co-operation and Development, "Series C" 1969 (January-December) Commodity by Trade - Imports; Monthly Bulletin of Statistics, March 1971.

a/ Nickel ore and concentrate, including matte (SITC 283.2); nickel and alloys, unwrought (SITC 683.1); nickel and alloys, worked (SITC 683.2).

b/ 1968 data.

c/ Territory of France.

Table 5

Cobalt exports of developing countries as a percentage
of total exports and gross domestic product, 1968

Country	Exports in 1968 (millions US dollars)	Value of cobalt exports	
		As a percentage of total exports ^{a/}	As a percentage of gross domestic product ^{b/}
Democratic Republic of the Congo	29.7 ^{b/}	5.2	0.2
Zambia	4.7 ^{c/}	0.6	0.3
Morocco	n.a.	-	-

a/ United Nations, Monthly Bulletin of Statistics, March 1971.

b/ Banque Nationale du Congo, 1970.

c/ Republic of Zambia, Annual statement of External Trade 1968.



UNITED NATIONS



THIRD CONFERENCE ON THE LAW OF THE SEA

Distr.
LIMITED

A/CONF.62/C.1/L.11/Corr.1
27 August 1974

ENGLISH, FRENCH, RUSSIAN
AND SPANISH ONLY

FIRST COMMITTEE

CHILE: WORKING PAPER ON THE ECONOMIC IMPLICATIONS FOR THE
DEVELOPING COUNTRIES OF THE EXPLORATION OF THE SEA-BED
BEYOND THE LIMITS OF JURISDICTION

Page 9, replace table 3 by the following:

Table 3

Copper exports a/ of developing countries as a percentage
of total exports and gross domestic product, 1969

Country	Exports in 1969 millions \$US	Value of copper exports As a percentage of Total exports	Value of copper exports As a percentage of Gross domestic product
A. Copper as major foreign exchange earner: (above 10 per cent of total exports)			
Zambia b/	720.8	94.6 c/	52.6 c/
Congo-Kinshasa	475.8	83.0 c/	33.0 c/
Chile b/	730.7	78.3	12.7
Peru	250.1	28.9	6.1 d/
Philippines	150.9	15.6	1.8
Uganda	21.4	10.8	2.1 c/
B. Copper as important foreign exchange earner: (between 3-10 per cent of total exports)			
Haiti	2.3	6.2	...
Bolivia	7.4	4.1	0.8
Nicaragua	6.3	4.1	0.83
C. Copper as minor foreign exchange earner: (less than 3 per cent of total exports)			
Mexico	21.5	1.5	0.08 b/
Morocco	2.3	0.5	0.07
Cuba	2.3	0.35 c/	...
South Korea	0.1	0.02	-
India	0.2	0.01	-

A/CONF.62/C.1/L.11/Corr.1
English
Page 2

Source and foot-notes to table 3

Extracts from: Organisation for Economic Co-operation and Development, Series C, 1969 (January-December), Commodity by Trade: Imports; Monthly Bulletin of Statistics, March 1971, International Monetary Fund, International Financial Statistics, April 1971.

a/ Copper ore concentrates, including matte (SITC 283.1); copper and alloys, unwrought (SITC 682.1); copper and alloys of copper, worked (SITC 682.2).

b/ 1968 data based on International Monetary Fund, International Financial Statistics.

c/ 1968 data.

d/ 1967 data.



UNITED NATIONS



THIRD CONFERENCE ON THE LAW OF THE SEA

Distr.
LIMITED

A/CONF.62/C.2/L.66
16 August 1974

ORIGINAL: ENGLISH

SECOND COMMITTEE

Argentina, Australia, Chile, Mexico, New Zealand and United
States of America: draft article for inclusion in the
chapter on the high seas

The right of hot pursuit shall apply, mutatis mutandis, to violations in the economic zone or on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of the coastal State applicable in accordance with this Convention to the economic zone or the continental shelf, including such safety zones.



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED
A/AC.138/SC.III/L.22
31 July 1972
Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE

Australia, Canada, Chile, Colombia, Fiji, Indonesia, Japan, Malaysia,
New Zealand, Peru, Philippines, Singapore and Thailand: draft resolution

The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond
the Limits of National Jurisdiction,

Recalling the suggested statement of views submitted to Sub-Committee III at the
8th meeting of that Sub-Committee,*/

Further recalling the resolution on the subject of nuclear testing adopted by the
United Nations Conference on the Human Environment, as well as Principle 26 of the
Declaration on the Human Environment adopted by the same Conference,

Acting in furtherance of the principles of the partial Nuclear Test Ban Treaty,
Having noted the concern of the nations and peoples of the Pacific at, and their
opposition to, the conduct of the nuclear weapon tests in that region,

Bearing in mind its obligation to propose legal norms for the preservation of
the marine environment and the prevention of marine pollution;

1. Declares that no further nuclear weapons tests likely to contribute to the contamination of the marine environment should be carried out;
2. Requests its Chairman to forward this resolution to the Secretary-General of the United Nations for referral to the appropriate United Nations bodies, including the Conference on Disarmament.

*/ (L/8421, Annex V)

GE.72-14559

Approved For Release 1999/09/26 : CIA-RDP86T00608R000200200001-8

T R O P I C O F

C A P R I C O R N

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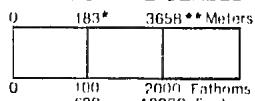
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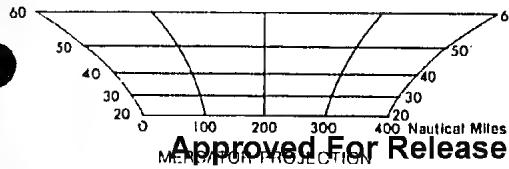
Estrecho de Magallanes
(Strait of Magellan)

DEPTH OF THE SEABED



* The continental shelf is conventionally defined by the 200 meter (656 foot) isobath

** The continental margin is approximately defined by the 4000 meter (13122 foot) isobath



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BRAZIL

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PARAGUAY

ASUNCIÓN

Boundary in dispute

São Paulo

Santos

Rio de Janeiro

Ilha do Santa Catarina
(Island)

Porto Alegre

Rio Grande

Uruguay

MONTEVIDEO

Rio de la Plata

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Córdoba

Rosario

SANTIAGO

BUENOS AIRES

Golfo Blanco
Golfo San Matías

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Golfo San Jorge

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Estrecho de Magallanes
(Strait of Magellan)

TIERRA DEL FUEGO

Bahia Grande

West Falkland

East Falkland

FALKLAND ISLANDS (Islas Malvinas)
(UK — Claimed by Arg)

Isle of le Maine

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Isla de Los Estados
(Administered by Chile — Claimed by Argentina)

Bahia Nassau

Cabo de Hornos

(Cape Horn)

Isla (Island) (Chile)

SOUTH
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OCEAN

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200 N.M.

SOUTH GEORGIA ISLANDS
(ISLAS GEORGIAS DEL SUR)
(UK — Claimed by Arg)

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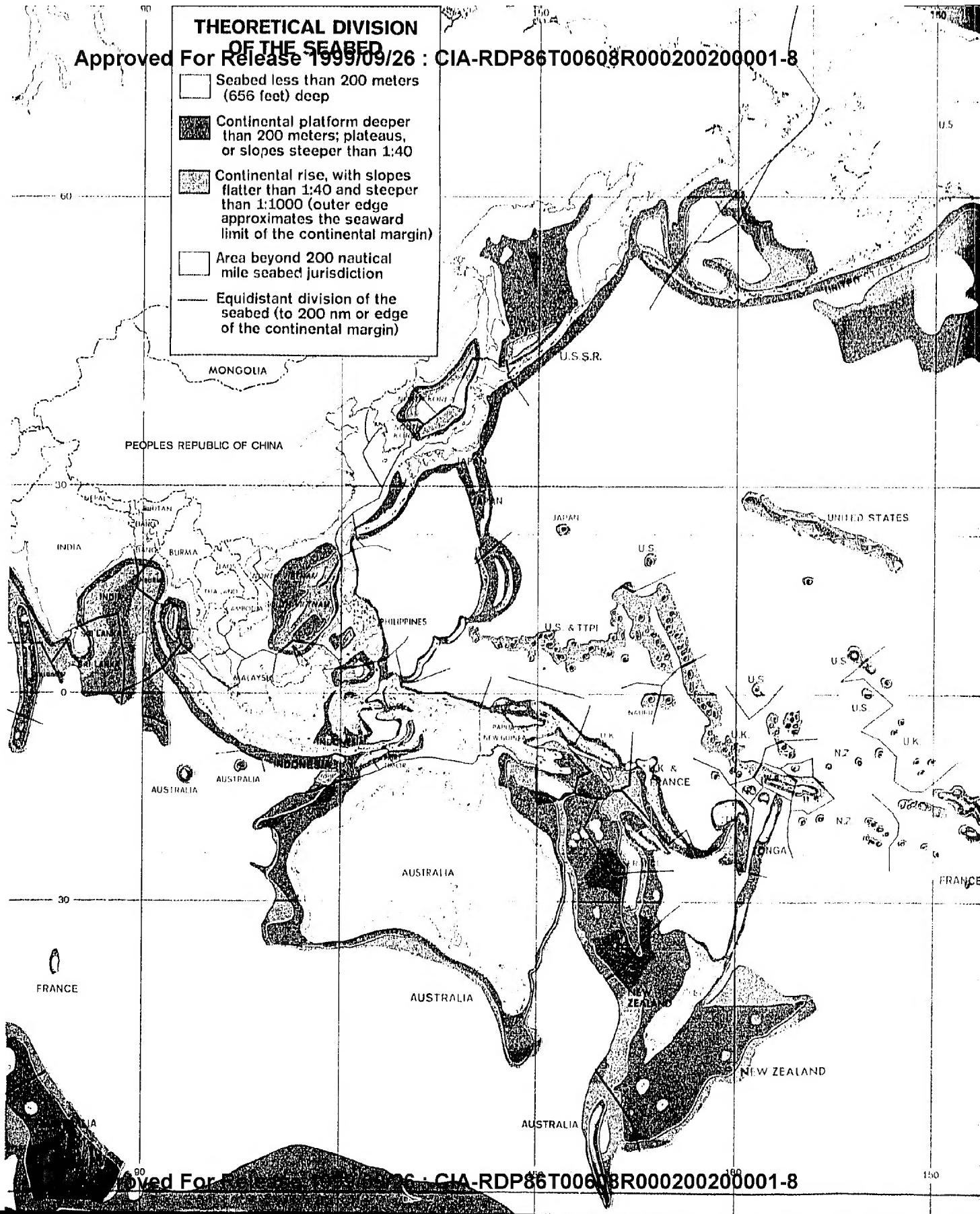
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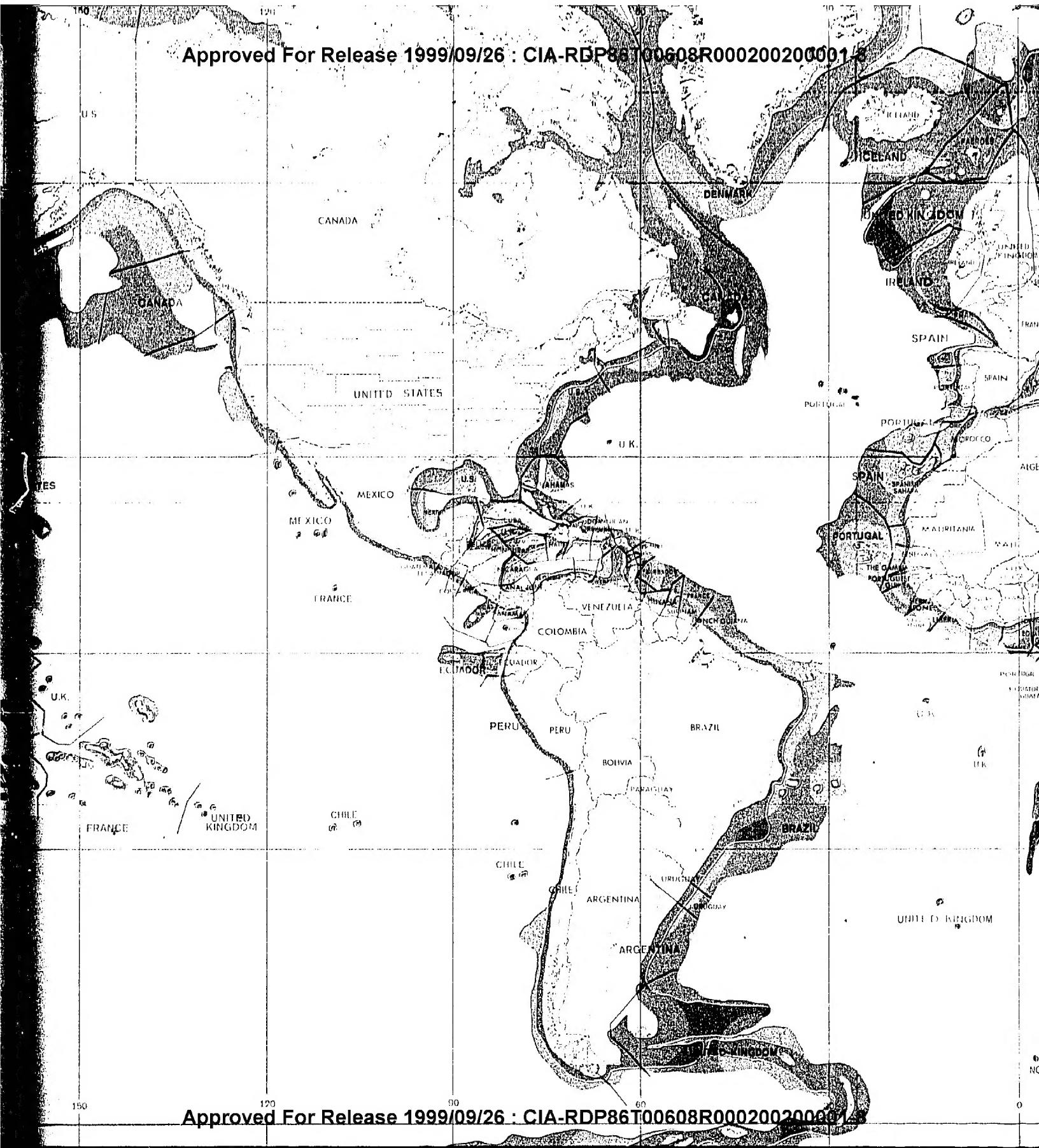
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**THEORETICAL DIVISION
OF THE SEALED
For Pelicans 2000/26**

- Seabed less than 200 meters (656 feet) deep
- Continental platform deeper than 200 meters; plateaus, or slopes steeper than 1:40
- Continental rise, with slopes flatter than 1:40 and steeper than 1:1000 (outer edge approximates the seaward limit of the continental margin)
- Area beyond 200 nautical mile seabed jurisdiction
- Equidistant division of the seabed (to 200 nm or edge of the continental margin)



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